

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 97-1296

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United States of America,

Appellee,

v.

Anthony Wayne Law,

Appellant.

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States

No. 97-1340  
Missouri

Appeals from the United  
District Court for the  
Western District of

[UNPUBLISHED]

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United States of America,

Appellee,

v.

Tracy Taylor,

Appellant.

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Submitted: July 1, 1997

Filed: August 15,

1997

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Before McMILLIAN, FAGG and LOKEN, Circuit Judges.

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PER CURIAM.

In this consolidated appeal, Anthony W. Law and Tracy L. Taylor challenge the sentences imposed upon resentencing for drug offenses after their firearm convictions had been vacated in light of Bailey v. United States, 116 S. Ct. 501, 506 (1995).<sup>1</sup> We affirm.

Both Law and Taylor argue that the district court lacked authority to resentence them on the drug convictions, and that imposition of a two-level enhancement under U.S. Sentencing Guidelines Manual § 2D1.1(b)(1) (1995) violates double jeopardy and due process. These contentions, however, are foreclosed by our recent decision in United States v. Harrison, 113 F.3d 135, 136-38 (8th Cir. 1997). We also reject their arguments that the district court improperly applied the section 2D1.1(b)(1) enhancement. There is abundant evidence that they possessed loaded and readily-accessible firearms to protect their drug-trafficking activities. See United States v. Williams, 10 F.3d 590, 595-96 (8th Cir. 1993).

Finally, we need not consider Taylor's challenge to a four-level enhancement under U.S. Sentencing Guidelines Manual § 3B1.1(a) (organizer or leader of criminal activity involving five or more participants), because a

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<sup>1</sup>Law's sentence was imposed by the Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri. Taylor's sentence was imposed by the Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

different panel of this court considered and rejected his position on this issue in his previous appeal. See United States v. Taylor, No. 91-2123, slip op. at 1 (8th Cir. Mar. 24, 1992) (unpublished per curiam).

Accordingly, the judgments of the district court are affirmed.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.